

HOUSE BILL NO. 4686

April 21, 2021, Introduced by Reps. Shannon and Fink and referred to the Committee on Elections and Ethics.

A bill to amend 1973 PA 196, entitled

"An act to prescribe standards of conduct for public officers and employees; to create a state board of ethics and prescribe its powers and duties; and to prescribe remedies and penalties,"

by amending sections 5 and 6 (MCL 15.345 and 15.346).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1** Sec. 5. (1) The board shall **do all of the following:**
- 2** (a) Receive complaints concerning alleged unethical conduct by
- 3** a public officer or employee from any person or entity, inquire

1 into the circumstances surrounding the alleged unethical conduct,
2 and make recommendations concerning individual cases to the
3 appointing authority with supervisory responsibility for the person
4 whose activities have been investigated. All departments of state
5 government shall cooperate with the board of ethics in the conduct
6 of its investigations.

7 (b) Initiate investigations of practices that could affect
8 ethical conduct of a public officer or employee.

9 (c) Hold public hearings.

10 (d) Administer oaths and receive sworn testimony.

11 (e) Issue and publish advisory opinions upon request from a
12 public officer or employee or ~~their~~**the public officer's or**
13 **employee's** appointing or supervisory authority relating to matters
14 affecting ethical conduct of a public officer or employee.

15 (f) **Perform the duties prescribed to it under the state**
16 **officer financial disclosure act.**

17 (2) In the issuance of investigative reports and
18 recommendations and advisory opinions, the board shall be advised
19 as to legal matters by the attorney general.

20 (3) ~~When~~**If the board makes** a recommendation to an appointing
21 authority ~~is made by the board which~~**that** affects a classified
22 employee, the appointing authority shall initiate appropriate
23 proceedings in accordance with ~~such~~**the** recommendation and pursuant
24 to the rules of the civil service commission.

25 (4) ~~When~~**If the board makes** a recommendation to an appointing
26 authority ~~is made by the board concerning~~**that affects** an
27 unclassified employee or appointee, the appointing authority shall
28 take appropriate disciplinary action, which may include dismissal.

29 Sec. 6. The board may promulgate rules governing its own

1 procedures pursuant to ~~Act No. 306 of the Public Acts of 1969, as~~
 2 ~~amended, being sections 24.201 to 24.315 of the Michigan Compiled~~
 3 ~~Laws. For a period of 1 year following the effective date of this~~
 4 ~~act the board shall have full authority to exercise all of its~~
 5 ~~functions in accordance with temporary rules of procedure~~
 6 ~~promulgated by the board. Both the temporary and permanent~~ **the**
 7 **administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to**
 8 **24.328. The** rules of the board shall provide ~~that:~~ **for all of the**
 9 **following:**

10 (a) The board may request the attendance of any witness whose
 11 testimony, ~~in the judgment of~~ **as determined by** the board, will aid
 12 in the conduct of its investigations.

13 (b) A person appearing before the board shall submit ~~either~~
 14 sworn or unsworn testimony, as **determined by** the board, ~~may decide~~
 15 and may at all times be represented and accompanied by counsel.

16 (c) A record of testimony taken before the board or a hearing
 17 officer designated by it ~~shall~~ **must** be made in the manner
 18 prescribed by the board.

19 (d) **Except as otherwise provided in this subdivision, a**
 20 **meeting or hearing held by the board must be open to the public.**
 21 The board may ~~, when it appears necessary for the protection of~~
 22 ~~individual rights, hold its meetings and hearings~~ **a meeting or**
 23 **hearing** in private ~~. All other meetings and hearings shall be open~~
 24 ~~to the public.~~ **under either of the following circumstances.**

25 (i) **If it appears necessary for the protection of individual**
 26 **rights.**

27 (ii) **If the board is performing its duties as described in**
 28 **section 5(1)(f).**

29 Enacting section 1. This amendatory act takes effect January

1 1, 2022.

2 Enacting section 2. This amendatory act does not take effect
3 unless Senate Bill No.____ or House Bill No. 4685 (request no.
4 01701'21 *) of the 101st Legislature is enacted into law.